

The word “individual” is inserted for clarity to distinguish the individual Federal recognition that is necessary to membership as an officer from the general Federal recognition that is necessary to all membership in the National Guard (see section 301 of this title).

The words “June 4, 1920” are omitted as obsolete. The words “Only persons selected from the following categories are eligible for individual Federal recognition as commissioned officers” are substituted for the words “Persons commissioned \* \* \* shall not be recognized as such under any of the provisions of this title unless they shall have been selected from the following classes”.

In clause (2), the words “reserve officers” are omitted as covered by the words “members of the Army, Navy, Air Force, or Marine Corps”.

In clause (4), the words “under honorable conditions” are inserted for clarity.

In clause (5), the words “the United States Air Force Academy” are inserted to reflect the establishment of that institution by the Air Force Academy Act (68 Stat. 47).

In clause (7), the words “staff branch” are substituted for the words “Staff Corps and departments”.

#### 1958 ACT

Section of title 32	Source (U.S. Code)	Source (Statutes at Large)
305(b) .....	32 App.:4 (less applicability to age).	July 30, 1956, ch. 789, § 2 (less applicability to age), 3, 70 Stat. 729.

The words “who are citizens of the United States” are omitted as covered by section 313(b) of this title. The words “with a view to serving” are substituted for the words “to serve”. The words “and have the physical and other qualifications prescribed by the Secretary of the Army” and section 3 of the source statute are omitted as covered by section 307(a)(2) of this title. The applicability of section 3 of the source statute to section 1 of the source statute is omitted as unnecessary.

#### AMENDMENTS

1967—Subsec. (a). Pub. L. 90-130, § 2(1)(A), struck out provision that, except as provided in subsec. (b), only male persons from the enumerated categories were eligible for Federal recognition as commissioned officers of the National Guard.

Subsec. (b). Pub. L. 90-130, § 2(1)(B), (C), struck out provision that women are eligible for Federal recognition as commissioned officers of the National Guard, with a view to serving as nurses or medical specialist, and substituted “person” for “woman” in description of the individual who must be a graduate of a hospital or university training school and a registered nurse in order to be eligible for Federal recognition under this section with a view to serving as a nurse.

1958—Subsec. (a). Pub. L. 85-861, § 2(5)(A), designated existing provisions as subsec. (a) and substituted “Except as provided in subsection (b), only male persons” for “Only persons”.

Subsec. (b). Pub. L. 85-861, § 2(5)(B), added subsec. (b).

### § 307. Federal recognition of officers: examination; certificate of eligibility

(a) To be eligible for Federal recognition as an officer of the National Guard, a person must—

(1) receive an appointment with a view to filling a vacancy in a federally recognized unit or organization of the National Guard;

(2) have the qualifications prescribed by the Secretary concerned for the grade, branch, position, and type of unit or organization involved; and

(3) except as provided in subsections (d) and (e) of this section, pass an examination for

physical, moral, and professional fitness to be prescribed by the President, and subscribe to the oath of office prescribed by section 312 of this title.

(b) The examination prescribed by subsection (a)—

(1) shall be conducted, for the Army National Guard, by a board of three commissioned officers designated by the Secretary of the Army from members of the Regular Army or the Army National Guard of the United States, or both, and for the Air National Guard, by a board of three commissioned officers designated by the Secretary of the Air Force from members of the Regular Air Force or the Air National Guard of the United States, or both; and

(2) may be held before original appointment or promotion.

(c) If such a board finds a person qualified, the Chief of the National Guard Bureau may issue to him a certificate of eligibility for Federal recognition for the office for which he was found qualified. If he is originally appointed or promoted within two years to that office, he is entitled to Federal recognition without further examination, except as to physical condition.

(d) Subject to subsection (a)(1) and (2) and to such physical examination as may be prescribed, Federal recognition shall be extended to each officer of the Army Reserve who has qualified for appointment as an officer of the Army National Guard in his reserve grade. Similarly, Federal recognition shall be extended to each officer of the Air Force Reserve who has qualified for appointment as an officer of the Air National Guard. Federal recognition extended under this subsection is effective from the date of appointment in the Army National Guard or the Air National Guard, as the case may be.

(e) Subject to subsection (a)(1) and (2), Federal recognition shall be extended to each officer of the Air Force Reserve who is appointed in a commissioned grade in the Air National Guard to fill a vacancy, if on the date on which he is appointed his reserve grade is the same as the grade in which he is appointed or his name is on a recommended list for promotion to that reserve grade.

(f) Federal recognition extended under subsection (d) or (e) is effective from the date of appointment in the Army National Guard or the Air National Guard, as the case may be.

(Aug. 10, 1956, ch. 1041, 70A Stat. 602; Sept. 2, 1958, Pub. L. 85-861, § 2(6), 72 Stat. 1543; Oct. 13, 1972, Pub. L. 92-492, § 2(b), 86 Stat. 810; Dec. 16, 1980, Pub. L. 96-535, 94 Stat. 3165; Oct. 5, 1994, Pub. L. 103-337, div. A, title XVI, § 1676(a)(2), 108 Stat. 3019.)

HISTORICAL AND REVISION NOTES  
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
307(a) .....	32:113 (1st sentence). 32:111 (37th through 54th words). 50:1113(a) (as applicable to officers).	June 3, 1916, ch. 134, § 74 (39th through 56th words); restated June 4, 1920, ch. 227, subch. I, § 41 (39th through 56th words), 41 Stat. 781.
307(b) .....	32:113 (2d sentence and 1st 24 words of 3d sentence).	June 3, 1916, ch. 134, § 75; restated June 15, 1933, ch. 87, § 12, 48 Stat. 158; July 9, 1952, ch. 608, § 803 (10th par.), 66 Stat. 505.
307(c) .....	32:113 (3d sentence, less 1st 24 words).	July 9, 1952, ch. 608, §§ 703(a) (as applicable to officers), 705(a) (less last 39 words), 66 Stat. 502.
307(d) .....	50:1115(a) (less last 39 words).	

In subsection (b), the words “prescribed by subsection (a)” are substituted for the words “to determine such qualifications for appointment”. The word “designated” is substituted for the word “appointed”, since the filling of the positions involved is not an appointment to office in the constitutional sense. The words “of an individual as an officer or warrant officer” are omitted as surplusage.

In subsection (c), the word “originally” is inserted for clarity. The words “If such a board finds a person” are substituted for the words “if the applicant has been found”. The words “for individual Federal recognition for the office for which he was found qualified” are inserted for clarity. The words “that office” are substituted for the words “the office for which he was found qualified”.

In subsection (d), the words “Notwithstanding the provisions of section 113 of Title 32” are omitted as covered by the words of exception in revised subsection (a). The words “Subject to subsection (a)(1) and (2)” are inserted, since 50:1115(a) (less last 39 words) was not an exception to that part of 50:1113 relating to qualifications prescribed by the Secretary, or to the requirement that only members of federally recognized units can be federally recognized. The words “in his reserve grade” are substituted for the words “in the same grade in which he is appointed as a Reserve officer of the appropriate Armed Force of the United States”. The last sentence is inserted for clarity.

1958 ACT

<i>Section of title 32</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
307(a) .....	50:1349(b) (1st sentence).	Sept. 3, 1954, ch. 1257, § 519(b), 68 Stat. 1179.
307(e) .....	50:1349(b) (less 1st sentence, and less 36th through 58th words of 2d sentence).	
307(f) .....	50:1349(b) (36th through 58th words of 2d sentence).	

In subsection (e), the words “to subsection (a)(1) and (2)” are inserted, since 50:1349(b) was not an exception to that part of 50:1113 relating to qualifications prescribed by the Secretary, or to the requirement that only members of federally recognized units can be federally recognized. The words “without the examination prescribed in section 113 of Title 32” are omitted as covered by the words of exception in revised subsection (a). The last 37 words are substituted for 50:1349(b) (last 29 words of 2d sentence; and last sentence).

AMENDMENTS

1994—Subsec. (a)(3). Pub. L. 103-337 struck out “and sections 8365 and 8366 of title 10” after “of this section”.

1980—Subsec. (g). Pub. L. 96-535 struck out subsec. (g) which prohibited extension of Federal recognition to members of the Virgin Islands National Guard in any grade above colonel.

1972—Subsec. (g). Pub. L. 92-492 added subsec. (g).

1958—Subsec. (a)(3). Pub. L. 85-861, § 2(6)(A), substituted “subsections (d) and (e) of this section and sections 8365 and 8366 of title 10” for “subsection (d)”.

Subsecs. (e), (f). Pub. L. 85-861, § 2(6)(B), added subsecs. (e) and (f).

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of Title 10, Armed Forces.

CROSS REFERENCES

Appointment of officers of Army National Guard and Air National Guard as Reserves for service as members of Army National Guard of United States and Air National Guard of United States, see sections 12211 and 12212 of Title 10, Armed Forces.

Extension of recognition upon promotion in Army National Guard of United States and Air National Guard of United States without examination, see section 14316 of Title 10.

Suspension of subsec. (e) of this section, see section 111 of this title.

Transfer of officers from Army National Guard of United States and Air Force National Guard of United States to Army Reserve and Air Force Reserve, see sections 12213 and 12214 of Title 10, Armed Forces.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 111, 308, 310 of this title; title 10 sections 14301, 14308, 14316.

**§ 308. Federal recognition of officers: temporary recognition**

(a) The Secretary of the Army may authorize the extension of temporary Federal recognition as an officer of the Army National Guard to any person who has passed the examination prescribed in section 307(b) of this title, pending his appointment as a reserve officer of the Army. The Secretary of the Air Force may do likewise for a person who has passed that examination pending his appointment as a reserve officer of the Air Force. Temporary recognition so extended may be withdrawn at any time. If not sooner withdrawn or replaced by permanent recognition upon appointment as a reserve officer in the same grade, it terminates six months after its effective date.

(b) To be eligible for temporary Federal recognition under subsection (a), a person must take an oath that during the period of temporary recognition he will perform his Federal duties as if he had been appointed as a reserve officer of the Army or the Air Force, as the case may be.

(Aug. 10, 1956, ch. 1041, 70A Stat. 603.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
308(a) .....	50:1114 (less 2d and 3d sentences).	July 9, 1952, ch. 608, § 704 (less 2d sentence), 66 Stat. 502.
308(b) .....	50:1114 (3d sentence).	

In subsection (a), the words “by regulations” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The words “as an officer of the Army National Guard to any person” are substituted for the words “to any officer of the National Guard or Air National Guard”. The second sentence is inserted for clarity. The words “successfully”, “final determination of